

REMARKS

Applicants have amended claims 1, 40 and 41 to overcome the pending rejections and to place them in better form for appeal. Specifically, applicants have amended claims 1, 40 and 41 to recite a cationic dispersion comprising a fluoroacrylate copolymer with a glass transition temperature at ambient temperature. Applicants have also amended these claims to recite a water- and oil-repellent aid, comprising an emulsion of an inorganic salt. Support for these amendments can be found in the specification as originally filed at, for example, page 4, lines 30-34; page 6, lines 5-8; page 9, line 16 to page 10, line 17; page 10, line 33 to page 11, line 2; page 12, lines 20-33; and page 15, lines 15-17.

None of these amendments adds new matter. None of these amendments narrows the claims. They merely clarify their original scope. One of skill in the art would recognize that the phrase "cationic fluoroacrylate copolymer" was merely an abbreviated means for describing a fluoroacrylate copolymer in a cationic dispersion, and that the two phrases have the same subject matter scope. Furthermore, the skilled artisan, in light of the teachings of the specification, would understand that the phrase "inorganic additive" is an abbreviated means of describing an emulsified inorganic salt used as a water- and oil-repellent aid, and that the two phrases have the same subject matter scope.

THE REJECTIONS

Paragraph 2: 35 U.S.C. § 112, first paragraph, Enablement

Claims 1-25, 40 and 41 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. In particular, the Examiner argues that the application neither shows the structure nor describes a method for making a cationic

fluoroacrylate. The Examiner contends that the monomers disclosed on page 10, lines 19-28 are not cationic and that it is not shown in the specification how they may be made cationic. The Examiner also states that the recited tradenames "Nuva ACFPM" and "Nuva AGS" are not identified chemically and therefore are of no help. The Examiner states that a polymer emulsified with a cationic emulsifier is not a cationic polymer and adds that applicants are using a cationic dispersion of a fluoroacrylate copolymer rather than a cationic fluoroacrylate copolymer. Applicants have amended the claims to clarify the subject matter claimed and to overcome these rejections.

Applicants have amended claims 1, 40 and 41 to recite a cationic dispersion of a fluoroacrylate copolymer. In so doing, applicants have clarified that it is the dispersion as a whole, and not the fluoroacrylate polymer in itself, that is cationic. Furthermore, one of skill in the art would be able to easily derive such a cationic dispersion through known means. Applicants believe that these amendments obviate the Examiner's enablement rejection under 35 U.S.C. § 112, first paragraph, and respectfully request its withdrawal.

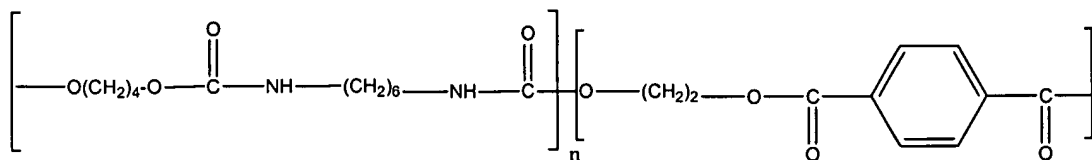
Paragraph 3: 35 U.S.C. § 112, first paragraph, Enablement

Claims 1-25, 40 and 41 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. In particular, the Examiner argues that there is nothing in the specification to show how a polyester can be made hydrophilic or what a hydrophilic polyester is. The Examiner also states that the recited tradename "Cassapret SRH" is not identified chemically and therefore is of no help. The Examiner states that applicants' softener is an oligomeric adduct of a glycol and a hydroxyl terminated polyethylene terephthalate. The Examiner also states while polyesters can be made hydrophilic by adding functional groups

to the polymer backbone, most hydrophilic polyesters would not be suitable for applicants' purposes. Applicants traverse.

The term 'hydrophilic polyester' is well known and understood in the art. One of skill in the art would understand how to make and use a polyethylene terephthalate or polyethylene glycol terephthalate polymer bearing hydrophilic substituents. Applicants have provided guidance to the skilled artisan as to how to make the compositions of this invention and test their oil- and water- repellency in, for example, Examples 1 and 2 in the specification as originally filed. Applicants have provided guidance as to the appropriate amounts and ratios in which to mix the composition's components and have also provided a simple, routine test by which one may determine whether a composition of the artisan's making provides oil- and water-repellent characteristics as taught by the present invention. Applicants note that even "a considerable amount of experimentation is permissible, if it is merely routine, or if the specification in question provides a reasonable amount of guidance with respect to the direction in which the experimentation should proceed." *In re Wands*, 858 F.2d 731, 737, 8 USPQ2d 1400, 1404 (Fed. Cir. 1988) (citing *In re Angstadt*, 537 F.2d 489, 502-04, 190 USPQ 214, 217-19 (CCPA 1976)).

Furthermore, the hydrophilic softeners of the present invention comprise polymers whose properties are, or are akin to, those of poly(oxyethyleneoxyterephthaloyl).



Given the nature of the polymers in question, one of skill in the art would recognize that amine hydrogens are naturally good hydrogen bond acceptors while the ester carbonyls are exceptionally good hydrogen bond donors with water. Furthermore, one of skill in the art of

textile finishing or the synthesis of hydrophilic polymers would also know that sulfonation of the benzene, for instance, would make the polymer even more hydrophilic. Therefore, the softeners of the present invention do have, or can be easily modified to have, hydrophilic character.

In view of the above arguments, applicants believe that the Examiner's objection under 35 U.S.C. § 112, first paragraph is obviated and respectfully request its withdrawal.

Paragraph 4: 35 U.S.C. § 112, first paragraph, Enablement

Claims 1-25, 40 and 41 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. In particular, the Examiner argues that while the specification is enabling for a dispersion of zirconium salt in paraffin, it is not enabling for any inorganic additive. The Examiner states that no other examples are given and the chemical composition of "Cerol ZE" is not disclosed. The Examiner further states that applicants are using a blend of organic and inorganic ingredients. The Examiner contends that the overwhelming majority of inorganic additives would be useless in applicants' invention. The Examiner further notes that applicants have not claimed "a water- and oil-repellent aid, comprising the emulsion of an inorganic salt" but rather an "inorganic additive". Applicants have amended the claims to clarify their original meaning and scope.

Applicants have amended claims 1 and 40 to recite a water- and oil-repellent aid, comprising an emulsion of an inorganic salt. Applicants believe that this amendment, which adopts the Examiner's suggested wording, obviates the Examiner's rejection under 35 U.S.C. § 112, first paragraph and respectfully request its withdrawal.


Paragraphs 5, 6 and 7: 35 U.S.C. § 112, second paragraph, Indefiniteness

Claims 1-25, 40 and 41 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that applicants regard as their invention. In particular, the Examiner has rejected the term "near ambient temperature" in claims 1 and 40. The Examiner alleges that the term is ambiguous, the specification does not provide guidance for ascertaining the scope of the term, and the skilled artisan would not be reasonably apprised of the scope of the invention in which the terms is used as a characterizing feature. The Examiner also argues that the limits of "near ambient temperature" are not known, though the term "ambient temperature" would be fine. The Examiner defines the term "ambient temperature" as the temperatures experienced under normal living conditions. Applicants agree that that was always the intent and scope of the claim. They, therefore, amend the claim to adopt the Examiner's suggestion.

CONCLUSION

Applicant requests that the Examiner enter the above amendments, consider the foregoing remarks, and allow the pending claims to issue.

Respectfully submitted,



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